

**SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL
SEPTEMBER 8, 2009
KENDALL-DEAN SCHOOL 7:00 P.M.**

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Dr. Benoit, Mr. Biron, Mr. Leclerc, Mr. Zwolenski and Mr. Lovett. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

SEWER PROJECT PAY REQUESTS

James J. Geremia & Associates, Inc.

MOTION by Mr. Leclerc and seconded by Dr. Benoit to approve payment of Invoice #12 for Design Services, Area 2 in the amount of \$13,431.25 and Area 3 in the amount of \$480.00 for a total of \$13,911.25.

Roll call: Dr. Benoit – yes; Mr. Biron – yes; Mr. Leclerc – no; Mr. Zwolenski – no; and Mr. Lovett – yes. The motion carried 3 to 2.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment of Invoice #11 for Phase IA Construction Administration and Resident Inspection Services in the amount of \$9,754.29.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment of Invoice #11 for

Phase IB Construction Administration and Resident Inspection Services in the amount of \$7,265.19.

John Rocchio Corporation

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment of Invoice #11 for Phase IA in the amount of \$125,946.58 based upon the recommendation of the Sewer Commission.

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Boyle & Fogarty Construction Co., Inc.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment of Invoice #8 for Phase IB in the amount of \$13,267.67 based upon the recommendation of the Sewer Commission.

John Rocchio Corporation

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment of Pay Request #11 for Phase IA in the amount of \$2,778.30 based upon the recommendation of the Sewer Commission.

Boyle & Fogarty Construction Co., Inc.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment of Pay Request #7 for Phase IB in the amount of \$43,989.75 based upon the recommendation of the Sewer Commission.

RESOLUTION IN OPPOSITION TO BINDING ARBITRATION FOR TEACHER CONTRACTS

(Mr. Lovett recused himself from this discussion since he is an employee of the General Assembly.)

MOTION by Mr. Biron, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to adopt the following resolution: “WHEREAS, Mandatory binding arbitration on all issues, including wages and benefits, presently in force for local police and fire, has led Rhode Island, according to RIPEC to having the 5th highest police costs in the nation and the highest paid firefighters nationally; and WHEREAS, Connecticut mandatory binding arbitration has led to contract awards that have resulted in the highest paid teachers in the country; and WHEREAS, Unions don’t generally strike, they “work to rule”; and WHEREAS, Rhode Island cities and towns have to comply with statutory and decreasing property tax caps; and WHEREAS, Arbitration can take well over a year and cost tens of thousands of dollars; and WHEREAS, The proposed mandatory binding arbitration legislation being advanced by the teacher unions does not take student welfare into account, conform to the existing property tax caps (“S3050”), and does not recognize management rights that our

courts have established or prevent strikes or work to rule. NOW, THEREFORE, BE IT RESOLVED that the North Smithfield Town Council respectfully requests the Rhode Island General Assembly to reject any and all binding arbitration legislation currently being considered for teacher contracts. BE IT FURTHER RESOLVED that the Town Clerk is hereby instructed to submit a copy of this resolution to North Smithfield's State Senators and State Representative in the Rhode Island General Assembly seeking their consideration and support."

AMENDMENT TO TOWN ORDINANCE – "FINE PAYMENT WITHOUT TRIAL – PROSECUTION"

Mrs. Hamilton explained that fines for various parking violations in town are very low compared to other towns and many fines do not get paid.

Mr. Zwolenski commented that an increase would not be to raise revenue but that it is a public safety issue.

Mr. Nadeau added that many municipalities require tickets to be paid within a certain time or they are doubled and subsequently tripled. He also questioned whether payment of fines could tie in with renewal of motor vehicle registrations.

Mrs. Hamilton said she would work with Mr. Nadeau on a schedule of fines and provide that at a later meeting for a first reading.

APPOINTMENT OF FINANCE DIRECTOR

Mrs. Hamilton announced that she has appointed Cheryl Ficarra as the Finance Director.

APPOINTMENT OF ASSISTANT FINANCE DIRECTOR

Mrs. Hamilton also announced that she has appointed Brenda MacDonald as the Assistant Finance Director.

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LIZ DEVELOPMENT

Town Planner Robert Ericson noted LIZ Development is currently in negotiation. The Planning Board will be asked to pull \$114,800 from the Phase II bond. That will happen at the September 17th meeting unless some acceptable resolution occurs prior to that time.

Mr. Nadeau added that he spoke to Mr. Mesolella's lawyer about releasing the Phase I bond only if it was agreed in writing that all of the work that remains to be done is covered under the bond that covers Phase II, which they have agreed to do.

CHERRY BROOK/STORMWATER MANAGEMENT

Mr. Ericson provided an aerial map of the area causing the most flooding concern in the past. Funds had been set aside for a study in

2005 that never occurred. Mr. Ericson feels those funds could be put to better use than for a study that probably would not provide any newer information than a study that had been done in the 1960s.

Mr. Ericson referred to two paper roads on the aerial map that extend from Norwood Road and Westwood Road noting that all the owner of the large parcel would have to do is improve that road to the edge of his property line and, as long as he has ten feet of access, he can develop that land. If the Council is interested, Mr. Ericson could seek a qualifying abutter of the paper road to file a petition for abandonment. There would be the incentive of keeping the property undeveloped. He felt this would be a way to minimize drainage impacts.

1ST READING ORDINANCE AMENDMENT RE: REIMBURSEMENT OF LEGAL FEES

Mr. Leclerc read the various sections of the proposed ordinance and that constituted the first reading.

The second reading is scheduled for September 21, 2009.

1ST READING ORDINANCE AMENDMENT RE: 2009 SEWER DISTRICT ASSESSMENT

Mr. Leclerc read the various sections of the proposed ordinance and that constituted the first reading.

Mr. Lovett confirmed that the Council had previously voted to take the repaving costs out of Phases IA and IB and spread it over the whole town.

Mr. Geremia explained that the permit and inspection costs would be reimbursed through a credit in the following year's user fee.

Mr. Lovett questioned how Mr. Geremia arrived at the number of \$2,793 as the credit someone would receive for tying in to the system after the first year.

Mr. Geremia explained that is the cost of the E-1 grinder pump that is purchased by the town for this project. Anyone purchasing a pump after the initial year, will receive a credit for the \$2,793 and will be responsible for any additional cost of the pump.

Mr. Nadeau suggested that it be made clear that only those residents in Phases IA and IB who require a grinder pump will be eligible for the credit, not those with a gravity-fed system.

Mr. Nadeau would like to add the following language or something similar to the second paragraph under Section (i): "The determination of the Water & Sewer Superintendent shall be conclusive with regard to any and all maintenance fee questions." He believed the Town should have some say as to whether the maintenance is normal or abuse related.

Mr. Nadeau suggested language in the next paragraph that would state, “Those units purchased directly by the owner shall come with a standard two (2) year warranty and no extended warranty and town-provided maintenance coverage.”

Mr. Nadeau questioned (k) where it states, “Property owners within the project area may petition the Sewer Commission for an extension of the one year tie-in requirements as required in Section 8-27 (Use of

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Public Sewers Required, Generally), paragraph b, up to five (5) additional years based on the following”. He thought it should be up to four additional years to give a total of five years.

There was discussion on use of town-supplied emergency generators.

Sewer Commission Chair Linda-Jean Briggs noted that reimbursement for the permit and inspection costs would be coming from the sewer budget. The town will originally receive payment for those costs and when the credits are made, they will come from the sewer fund. Hopefully, the sewer fund will, at some point, gain money from sewer lot development fees and future growth.

Mr. Geremia explained the process of certification of septic systems when a homeowner asks for an extension of the one-year tie-in requirement.

Mr. Zwolenski stated the savings that homeowners can achieve by tying in during the first year needs to be thoroughly marketed.

Finally, Mr. Nadeau suggested the following amendment to Section (g): “The EDU charge shall be set on or before December 31, 2009” rather than at the first Town Council meeting of October 2009.

The second reading was scheduled for September 21, 2009.

ZONING ORDINANCE AMENDMENT RE: VICTORY CROSSING CONDOMINIUM ASSOC.

Attorney Joseph Raheb, representing Victory Crossing Condominium Association, explained that in 2001 the Town Council had granted his client’s petition to change the zoning of the property located on Assessor’s Plat 4, Lot 30 from REA 120 to Neighborhood Business. At that time the Council imposed a limitation that the building be used for medical offices, medical laboratories and professional offices. It has been difficult to market the property because of the professional office limitation and is seeking to have that limitation removed.

Mr. Zwolenski was a member of the Planning Board in 2001 and he recalled that at the time there had been concerns with the septic

system and traffic because of the residential neighborhood.

MOTION by Dr. Benoit, seconded by Mr. Biron and Mr. Leclerc, and voted unanimously on an aye vote to refer the matter to the Planning Board for its recommendation.

EXECUTIVE SESSION

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to enter into executive session at 9:16 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss Narragansett Improvement vs. the Town of North Smithfield and IBPO Local 410 Contract Negotiations.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to come out of executive session at 10:10 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted unanimously on an aye vote to adjourn at 10:11 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk